

## COVINGTON

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Via CM/ECF

October 5, 2020

The Honorable Nelson S. Román  
United States Courthouse  
Courtroom 218  
300 Quarropas Street  
White Plains, NY 10601

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/6/2020

**Re: *Fore-Heron v. The Price Chopper, Inc.*, No. 19-11224  
(NSR)**

Dear Judge Román:

This office represents Defendant The Price Chopper, Inc. On June 22, 2020, Defendant sought a pre-motion conference for filing a motion to dismiss the original complaint. ECF 16. Plaintiff then requested and was granted an extension of 39 days to file an amended complaint (extended from July 13 to August 21, 2020). ECF 17, 18. Plaintiff then requested and was granted an additional 21-day extension (from August 21 to September 11, 2020). ECF 20, 21. Defendant consented to both extensions, which combined total eight weeks and five days.

Defendant requests, and Plaintiff consents, that the Court permit the filing of Defendant's motion to dismiss on or before **December 8, 2020**, representing a six-week extension of the operative due date of October 27, 2020, with Plaintiff's opposition due **January 13, 2021** and Defendant's reply due **February 3, 2021**. The parties' case-management plan would, under this proposed schedule, be due on **December 22, 2020**.

Defendant has not previously requested an extension of time to file its motion to dismiss. The reason for this request is that Defendant requires additional time to address the different scope of the putative class in the amended complaint, as well as the new substantive allegations.

A proposed order is attached.

Sincerely,

/s/ Steven Rosenbaum

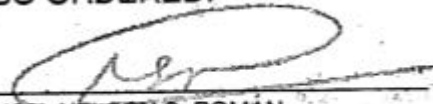
Steven Rosenbaum  
Counsel for Defendant *The Price Chopper, Inc.*

Attachment

The Court grants Defendant a 4-week extension. Defendant's motion to dismiss is now due on November 24. Plaintiff's opposition is now due on December 30. Defendant's reply is now due January 20.

Dated: 10/5/2020  
White Plains, NY

SO ORDERED:

  
HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED